

**SUPREME COURT MINUTES  
WEDNESDAY, AUGUST 9, 2006  
SAN FRANCISCO, CALIFORNIA**

**S122953****BARRETT v. ROSENTHAL (ILENA)**

The application by counsel for respondent Rosenthal to have oral argument rescheduled, filed August 8, 2006, is denied.

**S135263**

A107686 First Appellate District, Div. 4

**P. (JAIME), IN RE**

The application of counsel for appellant Jaime P. for continuance of oral argument, filed August 9, 2006, is granted. The matter, previously set for argument on Wednesday, September 6, 2006, is to be called and continued to the October 2006 calendar.

**S134332****GUERRA (JOSE F.) ON H.C.**

Pursuant to petitioner's request filed on August 8, 2006, petitioner's exhibits, nos. 28 and 39, are ordered withdrawn.

**S023421****PEOPLE v. BUNYARD (JERRY T.)**

Extension of time granted to October 10, 2006, to file reply brief. Extension is granted based upon counsel Schraer's representation that he anticipates filing that brief by December 12, 2006. After that date, only one further extension totaling about 60 additional days will be granted.

**S033149****PEOPLE v. WEAVER (LATWON)**

Extension of time granted to September 5, 2006, to file the appellant's opening brief. After that date, no further extension will be granted. Extension is granted based upon counsel James S. Thomson's past representation that he anticipates filing that brief by September 2, 2006.

**S054774****PEOPLE v. TAYLOR (KEITH D.)**

Extension of time granted to October 7, 2006, to file the respondent's brief. After that date, no further extension is contemplated. Extension is granted based upon Deputy Attorney General Alana Cohen Butler's representation that she anticipates filing that brief by October 10, 2006.

**S055856****PEOPLE v. ROMERO & SELF**

Extension of time granted to September 6, 2006, to file appellant Self's opening brief. After that date, no further extension is contemplated. Extension is granted based upon counsel William D. Farber's representation that he anticipates filing that brief by September 6, 2006.

**S061026****PEOPLE v. MCCURDY (GENE E.)**

Extension of time granted to September 5, 2006, to file a supplemental respondent's brief.

**S077033****PEOPLE v. DUENAS (ENRIQUE P.)**

Extension of time granted to October 6, 2006, to file appellant's opening brief.

**S078027****PEOPLE v. STREETER (HOWARD L.)**

Extension of time granted to October 13, 2006, to file the appellant's opening brief. The court anticipates that after that date, only six further extensions totaling about 360 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

**S078664****PEOPLE v. AVILA (JOSEPH)**

Extension of time granted to September 15, 2006, to file the respondent's brief. After that date, no further extension is contemplated. Extension is granted based upon Deputy Attorney General Sharon L. Rhodes's prior representation that she anticipates filing that brief by September 15, 2006.

**S080550****PEOPLE v. LEE (PHILIAN E.)**

Extension of time granted to October 3, 2006, to file the appellant's opening brief. After that date, no further extension is contemplated.

**S085578****PEOPLE v. MCDOWELL (CHARLES )**

Extension of time granted to October 3, 2006, to file appellant's opening brief.

**S139574****PRICE (CURTIS F.) ON H.C.**

Extension of time granted to October 10, 2006, to file reply to informal response to the petition for writ of habeas corpus.

**S143819**

B179275 Second Appellate District, Div. 6

**RAMIREZ v. NELSON (THOMAS)**

Extension of time granted to September 18, 2006, to file respondent's opening brief on the merits.

**S144900****RESTIVO (VINCENT P.) ON H.C.**

Respondent's time to serve and file the informal response to the petition for writ of habeas corpus is extended to and including September 6, 2006.

**S143864****KHOUGAZ ON DISCIPLINE**

It is ordered that **GREGORY JOHN KHOUGAZ, State Bar No. 107530**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 28, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the years 2007 and 2008. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S143867****SWARTZLANDER ON DISCIPLINE**

It is ordered that **JEFFREY CHARLES SWARTZLANDER, State Bar No. 122210**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 28, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is ordered that costs be awarded to the State Bar in accordance with Business & Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the years 2007 and 2008. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S143869****MANTHEL ON DISCIPLINE**

It is ordered that **Rick William Manthei, State Bar No. 77292**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; that execution of suspension be stayed; and that he be placed on probation for three years on condition that he be actually suspended for thirty days. Respondent is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed March 8, 2006, as modified by its order filed April 20, 2006. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the years 2007 and 2008. It is further ordered that if Rick Manthei fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S143870****TITUS ON DISCIPLINE**

It is ordered that **LEWIS ROBERT TITUS, JR., State Bar No. 58486**, be suspended from the practice of law for six months, that execution of suspension be stayed, and that he be placed on probation for one year on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed April 26, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the years 2007 and 2008. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S143872****RAIG ON DISCIPLINE**

It is ordered that **Don Alan Raig, State Bar No. 45791**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for thirty days and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S145637****MARKUM ON RESIGNATION**

The voluntary resignation of **LONNIE R. MARKUM, State Bar No. 188338**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed. \*Costs are awarded to the State Bar.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

**S145638****BATARSE ON RESIGNATION**

The voluntary resignation of **RAY I. BATARSE, State Bar No. 196693**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed. \*Costs are awarded to the State Bar.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

**S145641****BARASH ON RESIGNATION**

The voluntary resignation of **JULIA BARASH, State Bar No. 70067**, as a member of the State Bar of California is accepted.

**S145642**

**BRIGHTON ON RESIGNATION**

The voluntary resignation of **NANCY ANN BRIGHTON, State Bar No. 107903**, as a member of the State Bar of California is accepted.

**S145643**

**COX ON RESIGNATION**

The voluntary resignation of **CYNTHIA ANN COX, State Bar No. 131532**, as a member of the State Bar of California is accepted.

**S145645**

**DAVIES ON RESIGNATION**

The voluntary resignation of **BONNIE J. DAVIES, State Bar No. 139394**, as a member of the State Bar of California is accepted.

**S145646**

**ELLINGSEN ON RESIGNATION**

The voluntary resignation of **SHARON ROBINSON ELLINGSEN, State Bar No. 102673**, as a member of the State Bar of California is accepted.

**S145647**

**FASS ON RESIGNATION**

The voluntary resignation of **MARK DANIEL FASS, State Bar No. 195805**, as a member of the State Bar of California is accepted.

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
SEPTEMBER 5 AND 6, 2006**

**FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom, located at 350 McAllister Street, Fourth Floor, San Francisco, California, on September 5 and 6, 2006.

**TUESDAY, SEPTEMBER 5, 2006 – 2:00 P.M.**

S122953      Barrett v. Rosenthal  
S128442      People v. Wright (Shaun)

**WEDNESDAY, SEPTEMBER 6, 2006 – 10:00 A.M.**

S135263      In re Jaime P.  
                  *(To be called and continued to the October 2006 calendar)*  
S133114      People v. Kelly (Gary Rogers)  
S133331      Department of Alcoholic Beverage Control v. Alcoholic  
                  Beverage Control Appeals Board et al.

**1:30 P.M.**

S136690      TRB Investments, Inc. v. Fireman's Fund Ins. Co.  
S133798      People v. Neidinger (William)

GEORGE

*Chief Justice*

If exhibits are to be transmitted to this court, counsel must comply with rule 18(c) of the California Rules of Court.